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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,843	01/13/2000	Marcus Peinado	MSFT-0103/127334.6	7584

41505 7590 11/16/2004

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/482,843	Applicant(s) PEINADO ET AL.	
	Examiner Geoffrey Akers	Art Unit 3625	✓

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 121, 124 and 126-135 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 121, 124, 126-135 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Request for Reconsideration

1. This action is issued in reply to applicant's Request for Reconsideration filed 8/9/04.
2. No claims were amended.
3. Claims 121, 124, 126-135 are pending.

Claim Rejections - 35 USC § 103

4. Claim 121 is rejected under 35 USC 103(a) as unpatentable over Caronni(US Pat. No: 6,049,878).
5. Claim 124 is rejected under 35 USC 103(a) as unpatentable over Caronni(US Pat. No: 6,049,878) in view of Onoe(US Pat. No: 5,951,642) and further in view of Clark(US Pat. No: 6,343,280).
6. Claim 126 is rejected under 35 USC 103(a) as unpatentable over Caronni(US Pat. No: 6,049,878) in view of Down(US Pat. No: 6,574,609).
7. Claim 127 is rejected under 35 USC 103(a) as unpatentable over Carroni(US Pat. No: 6,049,878) in view of Downs(US Pat. No: 6,574,609) and further in view of Ganesan(US Pat. No: 5,535,276).
8. Claim 128 is rejected under 35 USC 103(a) as unpatentable over Caronni(US Pat. No: 6,049,878) in view of Ganesan(US Pat. No: 5,535,276).
9. Claims 129-132, 135 are rejected under 35 USC 103(a) as unpatentable over Caronni(US Pat. No: 6,049,878) in view of Sudia(US Pat. No: 5,995,625) in view of Simms(US Pat. No: 6,550,011) in view of Grise(US Pat. No: 6,389,538) and further in view of Mullor(US Pat. No: 6,411,941).

10. Claims 133-134 are rejected under 35 USC 103(a) as being unpatentable over Caronni (US Pat. No: 6,049,878) in view of Geer(US Pat. No: 6,212,634).

The rejections as cited in the Non Final Office Action are maintained and referenced.

Claim Rejections - 35 USC § 101

11. Claim 121 is further rejected under 35 USC 101 for failing to define a concrete, useful and tangible output as implied in the Non Final Office Action.

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Response to Arguments

12. Applicant's arguments are not persuasive. Claim 121 as recited provides no concrete, useful or tangible output and is rejectable under USC 101. This is non functional descriptive material that does not describe a tangible output of useful data. A computer readable medium by itself or an isolated data structure is non functional.

Conclusion

13. **THIS ACTION IS MADE FINAL.**

14. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mrs. Wynn Coggins, SPE, may be telephoned at (703)-308-1344.


November 14, 2004

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER